

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAMARA BOLEY,

Plaintiff,

vs.

Case No. 11-CV-10896
HON. GEORGE CARAM STEEH

MICHAEL ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION (DOC. #19)

This matter is before the court on plaintiff Tamara Boley's challenge of a final decision of defendant Commissioner denying her application for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act ("Act"). Plaintiff filed a motion for remand pursuant to sentences four and six of the Act, and defendant filed a motion for summary judgment. Both motions were referred to the magistrate judge for report and recommendation.

On February 10, 2012, the magistrate judge issued a report and recommendation recommending that plaintiff's motion be granted in part and denied in part, and defendant's motion for summary judgment be denied. The report concludes that the ALJ should have received testimony from a vocational expert on the issue of whether plaintiff's significant nonexertional limitations "conflict with and significantly erode the occupational base the ALJ found to exist." The report therefore recommends a remand under sentence four of the Act only. Objections to the report have not been filed by

either party within the established time period. The court has reviewed the file, record, and magistrate judge's report and recommendation and accepts the magistrate judge's recommendation. Accordingly,

IT IS ORDERED that the magistrate's report and recommendation is accepted as the findings and conclusions of this court.

IT IS FURTHER ORDERED that plaintiff's motion for remand pursuant to sentence four and six of the Act is GRANTED IN PART AND DENIED IN PART and defendant's motion for summary judgment is DENIED for the reasons well-developed in the magistrate judge's report and recommendation.

IT IS FURTHER ORDERED that the case is REMANDED to the ALJ for further proceedings consistent with the report and recommendation.

SO ORDERED.

Dated: March 1, 2012

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 1, 2012, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk